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**COURT OF APPEAL OF THE STATE OF CALIFORNIA
FIFTH APPELLATE DISTRICT**

In re F.R. III, a Person Coming Under the
Juvenile Court Law.

MERCED COUNTY HUMAN SERVICES
AGENCY,

Plaintiff and Respondent,

v.

F.R.,

Defendant and Appellant.

F059090

(Super. Ct. No. JV27973)

OPINION

THE COURT*

APPEAL from orders of the Superior Court of Merced County. Harry L. Jacobs,
Commissioner.

Jesse F. Rodriguez, under appointment by the Court of Appeal, for Defendant and
Appellant.

James N. Fincher, County Counsel, and James B. Tarhalla, Senior Deputy County
Counsel, for Plaintiff and Respondent.

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* Before, Levy, A.P.J., Cornell, J., and Kane, J.

INTRODUCTION

F.R., father and appellant, joins in arguments raised by mother, D.R., in her appeal (*In re. D.R. et al.* (May __, 2010, F059093 [nonpub. opn.]). D.R. appealed from the juvenile court's order denying her petition pursuant to Welfare and Institutions Code section 388 to modify the court's prior order terminating reunification services for her children C. and F.¹ The juvenile court summarily denied D.R.'s petition without a hearing and terminated her parental rights. On appeal, D.R. contended she demonstrated a prima facie case of changed circumstances and the juvenile court abused its discretion in denying her petition. D.R. further contended the sibling group should be maintained. We rejected these contentions in case No. F059093 and affirmed the juvenile court's judgment.

F.R. is the alleged father of F. When the juvenile court terminated D.R.'s parental rights, it also terminated F.R.'s parental rights. F.R.'s appeal is based solely on his contention that if we reverse the juvenile court's judgment as to D.R., we must also reverse his judgment. Because we affirmed the judgment in D.R.'s case, we reject F.R.'s contention and affirm the juvenile court's orders.

DISCUSSION

In her appeal, D.R. challenged the juvenile court's order summarily denying her petition pursuant to section 388 for reunification services. D.R. asserted she made a prima facie case for a hearing on her petition and that it would be in the children's best interest to maintain the sibling group. In addition to C. and F., D.R. has a third child, R., who is in a reunification plan with his father who is also D.R.'s husband.

We found that D.R. failed to demonstrate anything more than changing, not changed circumstances. We further concluded the juvenile court properly found that

¹ All further statutory references are to the Welfare and Institutions Code unless otherwise indicated.

even if D.R. had a potential argument for changed circumstances, her petition failed on its face to demonstrate it would be in the children's best interest to maintain the sibling group with D.R. or that the sibling bond exception applies in this action. Accordingly, F.R. is not entitled to reversal of the juvenile court's orders because we affirmed its orders as to D.R. and authorities holding that courts may not terminate of the parental rights of only one parent unless that parent is the only surviving parent are inapplicable in the instant action. (See *In re DeJohn B.* (2000) 84 Cal.App.4th 100, 110; Cal. Rules of Court, rule 5.725(a)(2).)

DISPOSITION

The juvenile court's orders summarily denying D.R.'s section 388 petition and terminating F.R.'s parent rights are affirmed.